

REMARKS

The Examiner required restriction of one of the following inventions:

I. Claims 1-10 drawn to a device for mounting components, classified in class 29, subclass 739.

II. Claims 11-31, drawn to a device for reorienting chips, classified in class 414, subclass 737.

In response to the Examiner's restriction/election requirement, Applicants elect, with traverse, to prosecute Group I including claims 1-10. Further, Applicants reserve the right to file a divisional application directed to non-elected claims 11-31.

NO UNDUE BURDEN

With respect to Applicant's traversal, Applicants respectfully direct the Examiner's attention to M.P.E.P. § 803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicants respectfully submit that the Examiner would not be unduly burdened if forced to examine Groups I and II together.

LINKING CLAIMS

Further, Applicants have added linking claims 32 and 33 by way of this response. Under current USPTO procedures, linking claims are to be examined with the specific invention elected. (MPEP §809). When a linking claim is found to be free of the prior art, based on the initial examination, even though it may be objected to or rejected on formal grounds, the restriction requirement should be withdrawn with respect to any claims that fall within the scope of the linking claim. (*Id.*) In addition, the Examiner must examine the claims to the non-elected inventions that are linked to the elected invention by the allowed linking claim (MPEP §809.04). Therefore, any claim directed to a non-elected invention, previously withdrawn from consideration, which depends from or includes all the limitations of the linking claim that is free of the prior art may be rejoined and can be fully examined for patentability.

According to MPEP §809.04, the Examiner must examine the claims to the non-elected invention that are linked to the elected invention if the linking claims are allowed.

CONCLUSION

In view of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

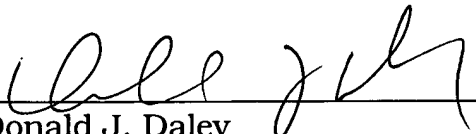
In view of above remarks, reconsideration and withdrawal of the outstanding rejection and allowance of all pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKY & PIERCE, PLC

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